

Potential Consequences if Oregon's Coastal Nonpoint Program is Disapproved

Direct Financial Impacts

(See spreadsheet for more info on financial impacts)

1. Oregon Coastal Management Program (DLCD):

- ### Ex. 5 - Deliberative

 - *Purpose of funding:* Implement the state's federally approved Coastal Management Program including addressing critical coastal issues such as ocean planning (Territorial Sea Plan), climate change adaptation, etc.

2. Oregon Nonpoint Pollution Control Program (DEQ):

- ### Ex. 5 - Deliberative

 - *Purpose of funding:* Implement the state's Nonpoint Source Program, including significant support to TMDL development.

Other Potential Impacts

1. State Perceived As Not Valuing Water Quality/Environment

- No other state has a disapproved coastal nonpoint program.
- Would not look good for the state to be the first nationally.

2. Potential Withdraw from National Coastal Zone Management Program

- Only states that choose to participate in the voluntary National Coastal Zone Management Program are required to develop Coastal Nonpoint Programs.
- If Oregon chooses to withdraw from the NCZMP, it would no longer be subject to the CZARA penalty provision and would retain full funding for its Section 319 Program.

Ex. 5 - Deliberative

- **HOWEVER...**withdrawal from the NCZMP would mean the state would lose:
 - ### Ex. 5 - Deliberative
 - Federal Consistency authority under Section 307 of the CZMA which ensures that federal actions (direct activities as well as license and permit and financial assistance activities) that have a foreseeable effect on Oregon's coastal uses and resources need to be consistent with the state's policies.
 - This is an important incentive for states to participate in the NCZMP so potential financial impacts to CZM Sect. 306 and CWA Sect. 319 may not be enough to motivate the state to withdraw from the NCZMP.

- Inability for deepwater port in federal waters off the Oregon coast to be licensed.
 - Under the Deepwater Ports Act, the adjacent coastal state that the deepwater port is to be directly connected to by pipeline must have, or is making good progress towards, a federal approval coastal management program.
 - This only applies to deepwater ports as defined by 33 USC Chapter 29 § 1502(9)—a fixed or floating structure located in federal waters used as a port or terminal for the transportation or storage of oil or natural gas for transportation to any state.

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Comment [AC1]: EPA may want to refine this.

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